

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IK CHAN CHOI,)	
)	FILED: JUNE 9 , 2008
Plaintiff,)	Case No.: 08CV3313
)	JUDGE GRADY
-vs-)	MAGISTRATE JUDGE SCHENKIER
)	
MARRIOTT CORPORATION , a corp.,)	Magistrate: NF
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to *Title 28 U.S.C. §1441, et seq.*, and *28 U.S.C. §1332*, Defendant, **RENAISSANCE HOTEL OPERATING COMPANY**, a corporation, incorrectly sued herein as **MARRIOTT CORPORATION**, by and through one of its attorneys, ROBERT M. BURKE of JOHNSON & BELL, LTD., hereby gives notice of the removal of the above captioned action from the Circuit Court of Cook County, Cause No. 08 L 4697, to the United States District Court, Northern District of Illinois, Eastern Division, and in support thereof, states the following:

1. On or about April 30, 2008, Plaintiff, Ik Chan Choi, initiated the above captioned lawsuit by the filing of a Complaint entitled Ik Chan Choi v. Marriott Corporation, docket No. 08 L 4697 in the Circuit Court of Cook County, Illinois. A copy of the initial Complaint at Law is attached hereto, labeled Exhibit "A", and incorporated herein by reference.

2. On or about April 30, 2008, Plaintiff caused a Summons to be issued for service upon the registered agent of Marriott Corporation. The records of the Illinois Secretary of State show that Marriott Corporation last did

business under that name in 1994. A copy of said Summons is attached hereto, labeled Exhibit "B", and incorporated herein by reference.

3. Service was obtained upon Corporation Service Company on May 9, 2008.

4. The United States District Court for the Northern District of Illinois, Eastern Division, has jurisdiction over the above-described action pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 for the following reasons:

- (a) Plaintiff, Ik Chan Choi, at the time the lawsuit was commenced and at all relevant times, has been a resident and citizen of the State of Illinois;
- (b) The Defendant, Renaissance Hotel Operating Company, at all relevant times, has been a Delaware corporation with its principal place of business in Bethesda, Maryland; therefore, for diversity of citizenship purposes, it is a citizen of the States of Delaware and Maryland;
- (c) According to the allegations contained in the Complaint filed by the Plaintiff herein, the amount of damages sought in this action is an unspecified amount in excess of \$50,000.00. Plaintiff's counsel has signed an affidavit attesting to the fact that Plaintiff will seek damages in an amount in excess of \$50,000.00. According to the medical records obtained by Defendant herein, Plaintiff suffered a fractured hip, which required surgical intervention and the insertion of a partial hip prosthetic on August 6, 2007. A copy of the operative report from Swedish Covenant Hospital is attached hereto, labeled Exhibit "C", and incorporated herein by reference. While Defendant anticipates that it will vigorously contents the issue of liability and any causal connection between the negligence attributed to it and Plaintiff's cause of action, it is Defendant's good faith belief that the amount in controversy in this action exceeds \$75,000.00 exclusive of interests and costs;
- (d) This Notice of Removal is being filed with the Clerk of the United States District Court for the Northern District, Eastern Division, within thirty (30) days of service of the Summons and Complaint on this Defendant;
- (e) This action, based upon diversity of citizenship, and since the amount in controversy is in excess of \$75,000.00,

exclusive of interest and costs, this action is properly removable, pursuant to 28 U.S.C. §1441(a).

5. Defendant will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, RENAISSANCE HOTEL OPERATING COMPANY, respectfully requests that this case proceed before this Court as an action properly removed.

Respectfully submitted,

JOHNSON & BELL, LTD.,

By: /s/Robert M. Burke
Robert M. Burke, One of the
Attorneys for Renaissance Hotel
Operating Company

ROBERT M. BURKE
JOHNSON & BELL, LTD.,
Attorney for Defendant
33 West Monroe Street, #2700
Chicago, Illinois 60603
Telephone: (312) 0770
Attorney No. 06347

STATE OF ILLINOIS)
08/15/08) SS
COUNTY OF COOK)

FIRM ID. 18317

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT - LAW DIVISION

IK CHAN CHOI)

Plaintiff,)

v.)

MARRIOTT CORPORATION, a corporation,)

Defendant.)

No.)

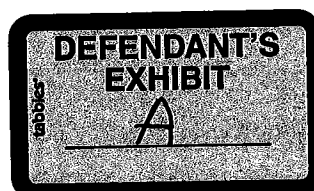
2008L004697
CALENDAR ROOM H
TIME 00:00
Premises Liability

JURY DEMAND

COMPLAINT AT LAW

NOW COMES plaintiff, IK CHAN CHOI, by and through his attorneys, PAVALON, GIFFORD & LAATSCH, and complaining of defendant, MARRIOTT CORPORATION, states as follows:

1. On and long prior to August 5, 2007, the defendant, MARRIOTT CORPORATION, owned, managed, operated, maintained and controlled, both directly and indirectly, individually and through its agents, servants and employees, a certain hotel known as the Renaissance Hotel Chicago, located at One West Wacker Drive in the City of Chicago, County of Cook, in the State of Illinois.
2. That on or before August 5, 2007, defendant invited the general public, including the plaintiff, to use an outside circular driveway to enter and exit the hotel premises and for taxis to drop off and pick up hotel guests outside the hotel lobby.



3. That it then and there became and was the duty of the defendant, individually and by and through their agents, servants and employees, to keep the premises in a reasonably safe condition for the plaintiff and other persons lawfully in and about the hotel, and further, not to create or allow any dangerous conditions to exist on or about the premises.

4. That at the above time and place, plaintiff, IK CHAN CHOI, a taxicab driver, was lawfully on the subject premises, waiting in the circular driveway line, and assisting a fare paying customer into his taxicab.

5. That, disregarding its stated duty, defendant, MARRIOTT CORPORATION, by its agents, employees and servants, committed the following acts and omissions:

- a. failed to provide a good, safe, and proper place for plaintiff to be, use, and walk on.
- b. Failed to provide a good, safe and proper means of ingress and egress to and from the circle drive area into the hotel premises.
- c. Allowed and permitted the entrance to the premises to become and remain in a dangerous and slippery condition when it became wet.
- d. Failed to warn plaintiff and others of the dangerous, defective and slippery condition of the subject entryway.

6. That as a direct and proximate result of one or more of these negligent acts and/or omissions of defendant, by and through its agents, servants and employees, the plaintiff, IK CHAN CHOI, was caused to fall violently to the ground.

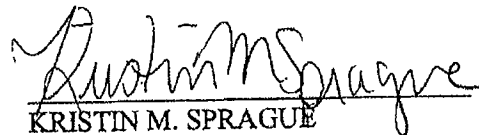
7. That as a direct and proximate result of this fall, the plaintiff, IK CHAN CHOI, has suffered severe, extensive and permanent injuries, both externally and internally, and was and will continue to be hindered in attending to his usual duties and affairs, and has lost and in the

future will lose the value of this time. As a result of these injuries, plaintiff has become liable for large sums of medical bills and will expend or will become liable for additional medical bills in the future.

WHEREFORE, plaintiff, IK CHAN CHOI, asks for judgment against the defendant, MARRIOTT CORPORATION, for a fair and reasonable amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

IK CHAN CHOI, Plaintiff

BY:


KRISTIN M. SPRAGUE
One of Plaintiff's Attorneys

PAVALON, GIFFORD & LAATSCH
Two North LaSalle Street, Suite 1600
Chicago, IL 60602
312-419-7400

JURY DEMAND

Plaintiff, IK CHAN CHOI, hereby demands a trial by jury.

IK CHAN CHOI, Plaintiff

BY:



KRISTIN M. SPRAGUE

One of Plaintiff's Attorneys

PAVALON, GIFFORD & LAATSCH
Two North LaSalle Street, Suite 1600
Chicago, IL 60602
312-419-7400

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

FIRM ID. 18317

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT - LAW DIVISION

IK CHAN CHOI)

Plaintiff,)

v.)

No.)


MARRIOTT CORPORATION)

Defendant.)

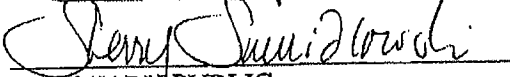
JURY DEMAND

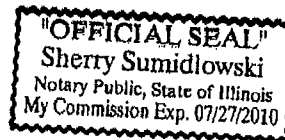
SUPREME COURT RULE 222 AFFIDAVIT

The undersigned, KRISTIN M. SPRAGUE, having been duly sworn on oath, deposes and states that as of this date the total money damages sought in the above-captioned matter exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).


KRISTIN M. SPRAGUE
One of Plaintiff's Attorneys

SUBSCRIBED AND SWORN to before me
this 27th day of April, 2008.


NOTARY PUBLIC



PAVALON, GIFFORD & LAATSCH
Two North LaSalle Street, Suite 1600
Chicago, IL 60602
312-419-7400

2120 - Served
 2220 - Not Served
 2320 - Served By Mail
 2420 - Served By Publication
 SUMMONS

2121 - Served
 2221 - Not Served
 2321 - Served By Mail
 2421 - Served By Publication
 ALIAS - SUMMONS

(Rev. 9/3/99) CCG 0001

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW

(Name all parties)

IK CHAN CHOI,

Plaintiff,

v.

MARRIOTT CORPORATION, a corp.,

Defendant.

DIVISION
 2008L004697
 CALENDAR/ROOM H
 No. TIME 00:00
 Premises Liability

SHERIFF OF COOK COUNTY PLEASE SERVE:
 Marriott Corporation, a corp.
 Prentice Hall Corp., AGENT
 33 N. LaSalle St.
 Chicago, IL 60602

SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the office of the Clerk of this Court at the following location:

- ☒ Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602
- ☐ District 2 - Skokie
 5600 Old Orchard Rd.
 Skokie, IL 60077
- ☐ District 3 - Rolling Meadows
 2121 Euclid
 Rolling Meadows, IL 60008
- ☐ District 4 - Maywood
 1500 Maybrook Ave.
 Maywood, IL 60153
- ☐ District 5 - Bridgeview
 10220 S. 76th Ave.
 Bridgeview, IL 60455
- ☐ District 6 - Markham
 16501 S. Kedzie Pkwy.
 Markham, IL 60426

You must file within 30 days after service of this summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

Atty. No.: 18317

WITNESS,

Name: PAVALON, GIFFORD & LAATSCH/ Kristin M. Sprague

Atty. for: Plaintiff

Address: Two N. LaSalle St., #1600

City/State/Zip: Chicago, IL 60602

Telephone: 312-419-7400

Clerk of Court

Date of service:

(To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at:

DOROTHY BROWN

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

DEFENDANT'S
EXHIBIT

B

06/21/2007 106 9139 FAX 115 293 5309 SLH Medical Records

2003/004

UNIT NUMBER: 00282099

SWEDISH COVENANT HOSPITAL
5145 NORTH CALIFORNIA AVENUE, CHICAGO, IL 60625
(773) 878-8200

OPERATIVE REPORT

PATIENT NAME: CHOI, IK CHAN
 LOCATION: AP3N
 ROOM & BED: A341-1

SURGEON Joseph D'Silva, MD

DATE OF PROCEDURE 08/06/2007

SURGEON Dr D'Silva

PREOPERATIVE DIAGNOSIS Garden IV left femoral neck fracture

POSTOPERATIVE DIAGNOSIS Garden IV left femoral neck fracture

PROCEDURE Prosthetic left hip hemiarthroplasty

INDICATION: The patient is a 75-year-old gentleman who was seen after mechanical fall and sustained a garden IV left femoral neck fracture. It was recommended that he undergo a hemiarthroplasty. The procedure, risks and alternatives were discussed with him and his family including but not limited to anesthesia, infection, deep vein thrombosis, and possible blood transfusion. The patient was seen preoperatively by Dr. No and cleared for surgery.

HOSPITAL COURSE: The patient was brought to the operating room and placed in a satisfactory general anesthesia, placed on the right lateral decubitus position. Left lower extremity was prepped and draped in a corresponding fashion. Curvilinear incision was made over the greater trochanter. Fascia was incised, bursa excised, and anterior one-quarter the abductor mechanism was divided by electrocautery. Capsulotomy was performed. Proximal femur was repaired using Zimmer box chisel. _____ was reamed and rasped up to size 13 and 10 degrees of anteversion followed by reaming of the femoral neck of the calcar. We then removed the femoral head, which measured 50 mm. We excised the capsule, and then cleansed the floor of the acetabulum. We pressed fit a size 13, low-demand fracture stem, and 10 degrees of anteversion with excellent purchase followed by 50 mm unipolar head cleansed before the acetabulum, reduced the hip. He was stable with 100 degrees of flexion and 6 degrees of extension and 6 degrees of external rotation both at neutral and 45 degrees of adduction without subluxation or dislocation. There was no telescoping. The wound was irrigated. The abductor mechanism was repaired. The wound was closed in layers. No drainage required. Blood loss was 100 mL and permanent films confirmed satisfactory alignment.

CC.

JOSEPH D'SILVA, MD

Swedish Covenant PCI *LIVE* (PCI: OE Database SCH)

Run 08/21/07-09:55 by MARISOL VAZQUEZ

Page 1 of 2

DEFENDANT'S
 EXHIBIT

C

02/12/2008

R5

UNIT NUMBER 00282099

SWEDISH COVENANT HOSPITAL
5145 NORTH CALIFORNIA, - CHICAGO, IL 60625
(773) 878-8200

CHOI, IK CHAN

DICTATED BY: JOSEPH D' SILVA, MD
DATE OF DICTATION: 08/06/07 TIME: 1822
DATE OF TRANSCRIPTION: 08/07/07
TRANSCRIPTIONIST: TRCR
ACCOUNT NUMBER: 37929379

Report #: 0807-0021.
TBS Job #: 10458389

CC

Swedish Covenant PCI *LIVE* (PCI: OE Database SCH)

Run 08/21/07-09 55 by MARISOL VAZQUEZ

Page 2 of 2

R6

SWEDISH COVENANT HOSPITAL
5145 N. California, Chicago, IL 60625
Phone: (773) 989-3807
Fax No: (773) 506-3894

L.E. Dardi M.D.
P. Guariglia M.D.
Y. Kalugina M.D.
J.B. McCormick M.D.

Department of Laboratory Medicine
Pathology Report

PATIENT: CHOI, IK CHAN

ACCT #: 37929379

LOC: AP3N

U #: 00282099

AGE/SX: 75/M

RM/BD: A341 -1

REG: 08/05/07

REG DR: NO, KAP JOON

MD

STATUS: ADM IN

DIS:

SPEC #: 07.SU006348 RECD: 08/07/07-0846

SUEN DR: NO, KAP JOON

MD

SPEC TYPE: SURGICAL

OTHER DR: D'SILVA, JOSEPH

MD

FINAL DIAGNOSIS

GROSS IMPRESSION

FEMORAL HEAD & PORTIONS OF BONY TISSUE (CLINICALLY
LEFT HIP FRACTURE)

PRE-OP DIAGNOSIS:


Fractured left hip

POST-OP DIAGNOSIS:

Same

GROSS:

The specimen received in formalin and labeled "left femoral head" consists of a femoral head and multiple tan and yellow-tan soft tissue fragments. The femoral head measures 4.5 x 4.5 x 4 cm. The articular surface of the femoral head is grey-white and smooth. The soft tissue measures in aggregate 5 x 3 x 3 cm. No nodule or significant necrosis is grossly identified. No sections are taken. Gross examination only. CX

 8/27/07

Signed SIGNATURE ON FILE

YELENA KALUGINA

MD 08/07/07

PRINT DATE/TIME 08/07/07/1800

** END OF REPORT **

R7

SWEDISH COVENANT HOSPITAL

5145 N CALIFORNIA AVENUE
CHICAGO, IL 60625 (773) 989-3814
FAX (773) 989-6230

DEPARTMENT OF DIAGNOSTIC RADIOLOGY
AND NUCLEAR MEDICINE

Name: CHOI, IK CHAN
Phys: D'SILVA, JOSEPH MD
DOB: 04/14/1932 Age: 75 Sex: M
Acct: 37929379 Loc: A341 1
Exam Date: 08/06/2007 Status: ADM IN
Radiology No.
Unit No: 00282099

EXAM#	TYPE/EXAM	RESULT
001203014	RADS/OR-HIP XRAY	X

AP POST-OP PORTABLE LEFT HIP 8/6/07 AT 5:15 PM.

CLINICAL INDICATION:

Left femoral fracture. Status post left hemiarthroplasty.


FINDINGS:

1. Surgical skin staples with soft tissue air.
2. Left hip arthroplasty. The prosthesis appears satisfactorily positioned in this single AP view.
3. Either soft tissue calcification or bone fragment seen adjacent to the iliac crest and just appearing lateral to the acetabular margin on the left.

** REPORT SIGNATURE ON FILE 08/07/2007 **

Reported By: ELLYN T. FEINZIMER, M.D.

Signed By: ELLYN FEINZIMER M.D.

 8/27/07

CC: JOSEPH L. D'SILVA, M.D.

Technologist: VICTOR TIMONES, R.T.

Transcribed Date/Time: 08/07/2007, (1033)

Transcriptionist: RAD.TH

Printed Date/Time: 08/07/2007 (1434) Batch No: 2603

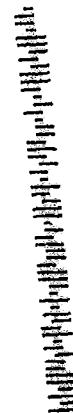
PAGE 1 Signed Report.

R8

1550 U.S. POSTAGE PB2230404 *
5747 02-160 FEB 07 08 *
0805 FROM ZIP CODE 60602

PAVALON, GIFFORD & LAATTSCH
2 N LASALLE ST, SUITE 1600
CHICAGO, IL 60602

Marriott Claims Services
Attn Patrick Laverty
P O Box 2906
Hot Springs, AR 71903-9206





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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IK CHAN CHOI,)	
)	
Plaintiff,)	Case No.: FILED: JUNE 9 , 2008
)	08CV3313
-vs-)	Judge: JUDGE GRADY
)	MAGISTRATE JUDGE SCHENKIER
MARRIOTT CORPORATION, a corp.,)	Magistrate: NF
)	
Defendant.)	

NOTICE OF REMOVAL

TO: Kristin M. Sprague
Pavalon, Gifford & Laatsch
Two North LaSalle Street
Suite 1600
Chicago, Illinois 60602

PLEASE TAKE NOTICE that a Notice of Removal of this action was filed with the United States District Court for the Northern District of Illinois, Eastern Division, as Case No. _____ on June 9, 2008. A copy of the Notice of Removal has also been filed with the Clerk of the Circuit Court of Cook County, Law Division on June 9, 2008. A copy of the Notice of Removal is attached hereto.

Respectfully submitted,

JOHNSON & BELL, LTD.,

By: /s/Robert M. Burke
Robert M. Burke, One of the
Attorneys for Renaissance Hotel
Operating Company

ROBERT M. BURKE
JOHNSON & BELL, LTD.,
33 West Monroe Street, Suite 2700
Chicago, Illinois 60603
Telephone: (312) 0770
Attorney No. 06347

CERTIFICATE OF SERVICE

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The undersigned, a non-attorney, certifies that she served a copy of the above and foregoing NOTICE OF FILING NOTICE OF REMOVAL to all attorneys of record, by depositing a copy of same in the United States Mail, first class postage prepaid, this 9th day of June, 2008.

/s/Lisa A. Morrison

I certify that the statements set forth herein are true and correct.

JOHNSON & BELL, LTD.
33 West Monroe Street
Suite 2700
Chicago, Illinois 60603
(312) 372-0770